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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,049	04/03/2007	Jerome Chouraqui	BDM-06-1119	8789
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EXAMINER				
SAINT CYR, JEAN D				
ART UNIT		PAPER NUMBER		
2623				
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09/16/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/583,049

**Applicant(s)**

CHOURAQUI, JEROME

**Examiner**

JEAN D. SAINT CYR

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE Three MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 06/15/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 13, 14, 18, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan, US.20040049777.

Re claim 9, Sullivan et al disclose randomly generating a code C 1 by an interactive television application implemented on an interactive television set (incorporating a first code uniquely identifying the subscriber secure device, wherein the receiver is programmed to make the first code available on the display device, 0014; that means a random code is displayed on the screen of the receiver);

sending a mini-message containing the code C 1 to a processing server with a mobile telecommunications device (see fig.1, element 12, mobile device; the mobile phone 12 is used to create the transaction token, 0045);

resending the code C2 with the processing server and receiving the code C2 on the mobile telecommunications device (the transaction server 33 will return a confirmation message to the mobile phone 12, 0058);

enabling the user to access the service (If the token is authentic the financial service provider can clear the transaction, 0057)

But Sullivan et al do not explicitly disclose calculating a code  $C2 = F(C1)$  with the processing server; entering the C2 code by the user in the interactive television application; calculating the interactive application  $C1' = F1(C2)$ ; checking that  $C1' = C1$ ; and enabling the user to access the service, wherein F is a predefined function, and F' is the inverse function of F.

However, Sullivan teaches communicating a token between a server and a client, where the server performs various verifications, which includes computing and comparing of value to a threshold or to other values to confirmed the validated of the token before permitting access to the pay-per-view content

Hence, it would have been obvious for any person of ordinary skill in the art at that time the invention was made to know that the transaction server computes some functions locally to verify the subscriber secure device is a valid device before sending the confirmation message to the users in order to enable them to get access to services or contents.

Re claim 13, Sullivan et al disclose wherein the mini-message is transmitted across a mobile telecommunications network(The transaction server 33 will return a confirmation message to the mobile phone 12, 0058; that means the message could be transmitted across the mobile network).

Re claim 14, Sullivan et al disclose wherein the mini-message is transmitted across the internet and/or a local wireless network (see fig.1).

Re claim 15, 16, 17, Sullivan et al explicitly disclose wherein the service requires payment and the mini-message is surcharged (see fig.2 where any service requires a payment.

Re claim 18, Sullivan et al disclose system for accessing an interactive television service comprising at least a mobile telecommunications device, an interactive television, a mobile telecommunications network or a local wireless network, a digital television broadcasting network and a processing server (see fig.1; receives digital information, e.g. films, data, audio or video files from a head-end 3 through a broadcast network 4, 0038).

Re claim 19, see rejection on claim 9.

Claims 10, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al in view of Sormunen et al, US No. 6112078.

Re claim 10, Sullivan et al did not explicitly disclose wherein the mini-message is in SMS format.

However, Sormunen et al disclose wherein the mini-message is in SMS format (It is advantageous to apply the present system in mobile communication systems which include short message service, SMS, or paging, Paragraph 17).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to modify the system of Sullivan by introducing SMS message, as taught by Sormunen, for the purpose of allowing users to exchange data easily.

Re claim 16, Sullivan et al explicitly disclose wherein the service requires payment and the mini-message is surcharged (see fig.2 where any service requires a payment).

Claims 11, 12, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al in view of Axelson 20030005448 et al, US No. 6112078.

Re claim 11, Sullivan et al did not disclose wherein the mini-message is in MMS format.

However, Axelson et al disclose wherein the mini-message is in MMS format (other mobile messaging systems such as MMS, MMS, multimedia messaging service, or in the form of an electronic mail to the mobile phone or other email address, 0034).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to modify the system of Sullivan by introducing MMS message, as taught by Axelson, for the purpose of allowing users to exchange data in using different messaging format.

Re claim 12, Sullivan et al did not explicitly disclose wherein the mini-message is in the form of an e-mail.

However, Axelson et al disclose d wherein the mini-message is in the form of an e-mail (other mobile messaging systems such as MMS, MMS, multimedia messaging service, or in the form of an electronic mail to the mobile phone or other email address, 0034).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to modify the system of Sullivan by introducing MMS message, as taught by Axelson, for the purpose of allowing users to exchange data via e-mail.

Re claim 17, Sullivan et al explicitly disclose wherein the service requires payment and the mini-message is surcharged (see fig.2 where any service requires a payment.

### ***Conclusion***

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Annan Q Shang/

Primary Examiner, Art Unit 2623

Jean Duclos Saintcyr

